

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 4, 2002

D039559 Maki v. Superior Court of San Diego County/People

The petition is denied.

D039289 In re Hopson on Habeas Corpus

The petition is denied without prejudice to refile after consideration by the superior court.

**D036202 Snapp & Associates Insurance Services, Inc. v. Malcolm Bruce Burlingame
Robertson et al.**

The opinion filed February 1, 2002, is ordered certified for publication.

D039357 Sav-On Drugs et al. v. Workers' Compensation Appeals Board/Cochran

The petition is denied.

D039268 In re Fennell on Habeas Corpus

The petition is denied.

D038438 LaSalle Bank National Association v. Ruffin Road Office Park, L.P.

Upon stipulation filed by the parties, the appeal is dismissed.

D039638 Finton et al. v. Superior Court of San Diego County/Ralphs Grocery Company

The petition is denied.

D035967 Conservatorship of the Estate of Waters

The request for publication of the opinion is denied.

D039203 Brennan v. City of El Cajon

Pursuant to California Rules of Court, rule 8, the appeal filed November 30, 2001, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal. (Cal. Rules of Court, rule 4(b) and 5(c)).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 5, 2002

D038591 Snook et al. v. Supralife International

Upon written stipulation filed by the parties, the appeal is dismissed.

D039009 In re M. R., a Juvenile

The order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D038118 In re Robert J., a Juvenile

The order declaring Robert a ward is affirmed. The disposition is reversed and the matter is remanded for disposition consistent with this opinion. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038628 K & K Marble Importers, Inc. v. Sovereign Bancorp of Nevada Ltd., et al.

The order is affirmed. Huffman, J.; We Concur: Kremer, P.J., McConnell, J.

D037323 Shapiro v. San Diego City Council

The judgment is affirmed. Costs are awarded to plaintiff and respondent. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

D036333 Brown et al. v. Gale Banks Engineering, Inc.

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, J., Nares, Acting P.J.

D038615 Foley v. McAneny

The judgment is reversed. Appellant to recover her costs on appeal. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

**D039124 Guadalupe M. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The petition is denied. Haller, J.; We Concur: Kremer, P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 6, 2002

D039456 Leticia P. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Leticia P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D036899 People v. Davenport

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038718 Rumore v. D'Amico

Upon written request filed by appellant the appeal is dismissed.

D039257 Dawson, Inc., et al. v Schiff et al.

Upon written stipulation filed by the parties the appeal is dismissed.

D039480 Labirinto SRL v. Superior Court County of San Diego/LJFRP, LLC

The petition is denied.

D038203 Smith v. Automotive Funding Group et al.

We vacate the judgment and the award of attorney fees. The court is ordered to conduct further proceedings on the tort causes of action and on attorney fees. We affirm in all other respects. The parties to bear their own costs on appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D039571 The Explorer Insurance Company v. Superior Court of San Diego County/Jones

The petition is denied.

D038195 Feather et al. v. WCO Vacationland , Inc.

The judgment is affirmed. The cause is remanded for a determination of costs and attorney fees to be awarded to the Feathers for responding to WCO's appeal. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D036318 White v. County of San Diego

The judgment is affirmed. White's appeal of the court's January 7, 2000 order sustaining the demurrers as to individuals Saucedo and Valdivia is dismissed. The parties are to bear their own costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D039230 In re Colmenero on Habeas Corpus

The petition is denied.

D039340 In re Aceves on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 6, 2002 (Continued)

D035696 Warren et al. v. Sharabi

The judgment granting specific performance and declaratory relief is affirmed. The matter is remanded for further proceedings, if necessary, and the trial court is directed to make a specific finding as to the amount that the plaintiffs must pay to Sharabi in exchange for the property. The court is to prepare an amended judgment in accordance with this opinion. The plaintiffs are entitled to their costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D038976 Schroeder v. City Council of the City of Irvine et al.

The judgment is affirmed. Respondents are entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D039369 In re Robledo on Habeas Corpus

The petition is denied.

D039461 Mutual Service Corporation v. Superior Court of San Diego County/Cad/ Cam Publishing, Inc., et al.

The petition is denied.

D039342 In re Wallace on Habeas Corpus

The petition is denied.

D039215 In re McNeil on Habeas Corpus

The petition is denied.

D039617 Warner v. Superior Court of San Diego County/Berg, Inc., et al

The petition is denied.

D039652 Ramirez v. Superior Court of San Diego County/Rowe

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 7, 2002

D038749 In re Abraham C., a Juvenile

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McConnell, J.

D036053 Madori v. Fleet Mortgage Group, Inc., et al.,

The judgment is affirmed. Costs are awarded to Fleet. McIntyre, J.; We Concur: Haller, Acting P.J. McDoanld, J.

D039177 In re McKinnie on Habeas Corpus

The petition is denied.

D039367 In re Jackson on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 8, 2002

D038286 People v. Brodhead

Judgment affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D037150 Oliveri et al. v. Copley Newspapers et al.

D038445 (consolidated) The judgment against Oliveri on the SLAPP is affirmed; however, the order awarding attorney fees and costs against Oliveri is reversed and the case is remanded to the superior court solely for recalculation of attorney fees consistent with the views expressed herein. The order against Copley declining to strike the Saddle Rock complaint is affirmed. Each party shall bear its own costs on appeal. Huffman, J.; We Concur: Benke, Acting P.J., McConnell, J.

D036732 People v. Mills

The trial court's finding that Mills's prior assault conviction was a serious felony and a strike is vacated, and the matter remanded for resentencing. In all other aspects, the judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D038623 Carey Premix, Inc. v. Ortega Rock Quarry, Inc., et al./H & S

The order denying Premix's motion to amend the judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McConnell, J.

D036348 Brumfield et al. v. Richardson

The petition for rehearing is denied.

D038181 Fidelity National Home Warranty Company et al. v. American Home Shield of California, Inc., et al.

The order is affirmed. McConnell, J.; We Concur: Kremer, P.J., Huffman, J.

D038729 In re R. T., a Juvenile

The orders directing the Agency to conduct a guardianship evaluation study and setting a section 366.26 hearing are reversed and the matter is remanded to the juvenile court with directions to find that R. T. is adoptable, Robert has not shown the exception to adoption under section 366.26, subdivision (c)(1)(A), and the permanent plan is adoption. The orders appointing the uncle and aunt R. T.'s guardians and issuing letters of guardianship are void. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D039117 Kimberly R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ issue directing the superior court to vacate its order removing Arthur from Kimberly's custody, terminating services and setting a permanency hearing and enter a new order denying the supplemental petition. This opinion is final immediately as to this court. (Rule 24(d).) CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036697 People v. Barragan et al.

The judgment as to Paz is affirmed. The finding of a strike prior as to Barragan is reversed; in all other respects the judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 8, 2002 (Continued)

D037016 S&M Finance Company, Inc. v. Golden Rim Financial Corp.

The judgment is reversed. S&M is to recover costs on appeal. McConnell, J.; We Concur: Kremer, P.J., Benke, J.

D039217 In re Simms on Habeas Corpus

The petition is denied.

D034853 People v. Floyd

The judgment is affirmed, except we vacate the sentence imposed by the trial court and remand for further proceedings consistent with this opinion. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.